

**COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
CASE NO. 11-008**

**IN RE: JOHN T. "TOM" BOONE  
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER  
Initiation of Administrative Proceeding  
And Formal Complaint**

The Executive Branch Ethics Commission (the "Commission"), upon its own motion, initiated a preliminary investigation of John T. "Tom" Boone (the "Respondent"), pursuant to KRS 11A.080(1), on July 11, 2011.

At all relevant times the Respondent was a "public servant" as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the "Ethics Code").

The Commission focused its investigation upon the Respondent's possible violation of the Ethics Code by using his influence in a matter which involved a substantial conflict between his personal or private interest and his duties in the public interest; using his official position to obtain financial gain for himself; and using his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

The Commission notified the Respondent of the preliminary investigation by letter dated July 12, 2011. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on September 19, 2011, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to

determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

**IT IS THEREFORE ORDERED** that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.

2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

3. A Hearing Officer will be designated by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.

5. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. A copy of all materials shall be served on the designated Hearing Officer at the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

6. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

7. The Respondent has the right to examine upon request, at least five (5) days prior

to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

8. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

9. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

10. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

11. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 19<sup>th</sup> day of September 2011.

**EXECUTIVE BRANCH ETHICS COMMISSION:**



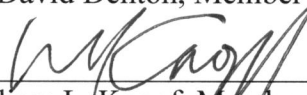
Ronald L. Green, Chair



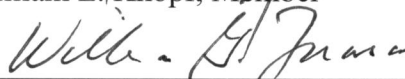
Angela Edwards, Vice-Chair



W. David Denton, Member



William L. Knopf, Member



William G. Francis, Member

**APPENDIX A  
CASE NO. 11-008  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, John T. “Tom” Boone, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Division of Plumbing in the Department of Housing, Buildings and Construction in the Public Protection Cabinet. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that John T. “Tom” Boone committed the following violations:

**COUNT I**

John T. “Tom” Boone, during his course of employment as a Plumbing Inspection Reviewer with the Division of Plumbing, Department of Housing, Buildings and Construction in the Public Protection Cabinet, used his official position to obtain financial gain for himself and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Specifically, the Division and the Northern Kentucky Area Planning Commission (NKAPC) have a Memorandum of Agreement allowing the Department of Housing, Buildings and Construction for the Division of Plumbing to use its facilities without charge. From December 15, 2008, through October 15, 2010, Boone used his official position with the Division to use the NKAPC chambers without charge on at least thirty-five (35) separate days for the purpose of teaching plumbing classes in his private capacity. Boone used copies of materials, developed by the Division as course materials for teaching the Kentucky State Plumbing Code, loaned to him by Chris Stein, Plumbing Inspector Reviewer, in his plumbing classes he taught in his private capacity. From December 15, 2008, through October 15, 2010, Boone used his official position

with the Division to use the NKAPC copier to make copies of the course materials provided to him by Chris Stein, making approximately 840 pages of copied material which he gave to his students to use during the plumbing classes.

These facts constitute violations of KRS 11A.020(1)(c) and (d).

KRS 11A.020(1)(c) and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:
  - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
  - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

## **COUNT II**

John T. “Tom” Boone, during his course of employment as a Plumbing Inspection Reviewer with the Division of Plumbing, Department of Housing, Buildings and Construction in the Public Protection Cabinet, used his official position to obtain financial gain for himself and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Specifically, on multiple occasions from December 15, 2008, through October 15, 2010, Boone taught plumbing code courses despite being told by his supervisor approximately three years prior that employees of the Division were not to teach plumbing code classes on their own because all plumbing code classes were to be taught by the Division through a participating college. Boone taught plumbing code classes without the knowledge of the Division and in contravention of the Division’s Policy and Procedure Manual concerning the proper procedures for conducting plumbing code classes, which requires individual participants of such classes to be billed by the Division. Boone suggested that students attending his classes make a \$350 to

\$375 “donation” per student to him to attend his privately-provided classes. Between December 15, 2008, and October 15, 2010, Boone collected approximately \$13,000 in “donations” for teaching the plumbing code classes held at the NKAPC facility without the knowledge of the Division, despite knowing that Division employees who taught such classes did not earn additional compensation.

These facts constitute violations of KRS 11A.020(1)(c) and (d).

KRS 11A.020(1)(c) and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:
  - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
  - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

### **COUNT III**

John T. “Tom” Boone, during his course of employment as a Plumbing Inspection Reviewer with Division of Plumbing, Department of Housing, Buildings and Construction in the Public Protection Cabinet, used or attempted to use his influence in matters that involved a substantial conflict between his personal or private interest and his duties in the public interest.

Specifically, on March 31, 2011, Boone conducted a plumbing inspection in Fort Thomas, Kentucky, for Neyer Plumbing, a company from which Boone had received \$3,850 in “donations” for conducting plumbing code classes in his private capacity for its employees on September 6-29, 2010, and October 4-15, 2010. On September 17, 27, and 29, and October 6, 7, and 15, 2010, Boone conducted plumbing inspections in Wilder, Kentucky, for Barry Jolly, whose employee paid Boone for conducting plumbing code classes in his private capacity from September 6-29, 2010, and October 4-15, 2010.

These facts constitute violations of KRS 11A.020(1)(a).

KRS 11A.020(1)(a) provides:

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest.

**(End of document)**